
MINUTES OF MEETING

Each person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.

**BALLANTRAE
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Ballantrae Community Development District was held on **Monday, January 7, 2013 at 6:30 p.m.** at the Ballantrae Community Center, located at 17611 Mentmore Boulevard, Land O'Lakes, and FL 34638.

Present and constituting a quorum:

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| James Flateau | Board Supervisor, Chairman |
| Amanda Battistoni | Board Supervisor, Vice Chairman |
| Jenny Williams | Board Supervisor, Assistant Secretary |
| Rich Levy | Board Supervisor, Assistant Secretary |
| Steve White | Board Supervisor, Assistant Secretary |

Also present were:

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| Scott Brizendine | District Manager, Rizzetta & Company, Inc. |
| Tonja Stewart | District Engineer, WilsonMiller, Stantec <i>(joined the meeting in progress)</i> |
| Tracy Robin | District Counsel, Straley & Robin <i>(joined the meeting in progress)</i> |
| Tony Smith | Representative, American Ecosystems |
| Chris Wallen | Representative Cornerstone |
| Tony Marro | Representative Cornerstone |
| Kevin Oliva | Representative Cornerstone |
| Ken Liddell | Straiton HOA President |
| Bill Fletcher | Field Manager |

FIRST ORDER OF BUSINESS

Call to Order

Mr. Flateau called the meeting to order and. Mr. Brizendine read the roll call confirming a quorum for the meeting.

SECOND ORDER OF BUSINESS

Cornerstone Presentation

Mr. Flateau stated that the Board is in the process of establishing pond maintenance procedures and given that so much of what happens to the water quality in the ponds relates to fertilization practices of both the landscaper and residents, he felt it would be appropriate to invite Cornerstone to attend tonight's meeting. They will be reviewing their standard procedures for fertilization by waterways and answering any questions the Board, District Engineer, and the aquatic firm might have. The goal is to get all parties working together to ensure that the District's ponds meet quality water standards as well as maintaining an esthetically pleasing appearance.

(Ms. Stewart joined the meeting in progress).

Mr. Oliva distributed and reviewed a handout regarding current Best Management Practices (BMP) that can be used to protect the waterways, while meeting the maintenance needs of the communities landscaping. He emphasized that the BMP's apply to residents in caring for their lawns too. He recommended that a slow release fertilizer be used and emphasized the importance of keeping fertilizers off sidewalks and roadways as it will most likely end up in the waterways. Mr. Oliva explained that standard practice calls for not fertilizing any closer than three to ten feet from waterways and Cornerstone prefers that it not be applied closer than thirteen feet. He touched briefly on best mowing and irrigation practices, emphasizing the importance of not blowing clippings into drains or bodies of water and how proper irrigation is key to controlling insects and fungal diseases which can reduce the amount of chemicals that need to be applied.

(Mr. Robin joined the meeting in progress).

Mr. Smith indicated that they haven't seen any issues with over fertilization or mowing grass into the ponds from Cornerstone. Ms. Stewart and Ms. Battistoni stated that they have not observed these types of issues either. A brief discussion ensued regarding issues with residents dumping clippings, etc. in the storm water drains.

Ms Battistoni mentioned that there are still issues with fire ants along Ballantrae Boulevard and at the bus stop. Mr. Oliva stated that he would see that the issue is addressed.

THIRD ORDER OF BUSINESS

**District Counsel & District Engineer
Reports**

A. District Engineer

Mr. Flateau stated that based on discussions last month he invited Mr. Liddell to attend this evening to further discuss the algae growth and plant growth in the central pond in Straiton. He stated that one of the concerns put forward is the limited space between the homes and the pond and the impact this could have on resolving the issues. The HOA has agreed to allow the District access to the ponds.

A brief discussion ensued regarding the aquatic plantings that have occurred and the possibility of completing some excavation to increase the depth in certain areas to prevent the spread of the plants beyond the littoral shelf. The possibility of installing an aerator in the pond to help control the algae levels was also put forward. It was noted that the cost for an aerator could run between \$2,500 to \$4,000 plus electrical costs. The Board requested that pricing be obtained for the aerators and installation of electricity, as well as the excavation costs. Ms. Stewart stated that she is not looking to start the project until next spring when water levels have come down. Mr. Liddell stated that he would like to see both approaches used.

Mr. Liddell informed the Board of the major issues that the HOA is currently addressing. He also committed to speaking with the landscaper regarding maintaining the ten foot rule for fertilizing pond banks.

(Ms. Stewart and Mr. Smith left the meeting.)

B. District Counsel

Mr. Robin spoke regarding the memo sent out by his office in November relative to attending meetings by electronic means, noting that the Attorney General has opined that attendance by these means can only occur under extraordinary circumstances and requires approval by the Board. He noted that meetings can not occur without a quorum of three Board Supervisors physically in attendance at the meeting. A lengthy discussion ensued regarding the impact this has on the District and whether the Board can approve an absence for any reason or is limited to the type of situations described by the Attorney General. Mr. Robin opined that the District has to abide by the guidelines established by the Attorney General or go to him for an opinion on the specific circumstances of the District. He stated that failure to do so opens the Board up for possible challenges to its decisions and whether they are lawful and the votes were conducted in accordance with the law. Differing opinions were expressed regarding the ability of a Supervisor to call into the meeting and participate in discussions but not be eligible to vote and receive payment for meeting attendance. Mr. Robin explained that Florida law does not distinguish between types of governmental entities and the law does not allow Board Supervisors to call in and participate in discussions.

Mr. Robin outlined the procedures that he recommends the Board utilize in determining the ability of a Supervisor to participate by phone. Further debate on the issue occurred, with the point being made that extraordinary circumstances do not have to be a hospitalization or death in the family, but can be the illness of the Supervisor or a child, or being stuck in traffic providing it is not a recurring event and is out of the control of the Supervisor. Mr. Robin stated that there is no fee associated with obtaining an opinion from the Attorney General on the District's situation, but there would be costs associated with District Counsel writing the letter. The Board indicated that it did not want to pursue this avenue.

FOURTH ORDER OF BUSINESS

**Consideration of the Minutes of the Board
of Supervisors' Meetings held on
December 3, 2012**

Mr. Flateau reviewed the changes that he requested be made to the minutes. There were no other changes put forward.

On a Motion by Mr. Levy, seconded by Ms. Battistoni, with all in favor, the Board of Supervisors approved the minutes of the Board of Supervisor's meeting held on December 3, 2012 as amended for Ballantrae Community Development District.

FIFTH ORDER OF BUSINESS

**Consideration of Operation and
Maintenance Expenditures for November**

There were no questions regarding any of the expenditures.

On a Motion by Ms. Williams, seconded by Mr. Levy, with all in favor, the Board of Supervisors accepted the Operation and Maintenance Expenditures paid for the period of November 1-30, 2012 totaling \$46,074.00 for Ballantrae Community Development District.

SIXTH ORDER OF BUSINESS

Consideration of New Business (if any)

A brief discussion ensued regarding the timing for installation of the security cameras and it was noted that there is some additional electrical connections needed and Himes Electric will be providing a cost for that this month. Mr. Flateau noted that he approved an additional camera on the second exit lane based on the Boards comments that it wanted to ensure that the gates were set up correctly and the recommendation was to add a camera to the exit lanes the extra camera was not included in the original motion approving the cameras.

It was noted that the holiday lighting is scheduled to be removed this week.

Mr. Flateau sought and received approval from the Board to have pool monitors starting the last week of March (Spring Break) and part-time evenings and weekends from that point on. The Board authorized District Management to start hiring the personnel needed.

SEVENTH ORDER OF BUSINESS

Staff Reports

A. Field Manager
No Report.

B. District Manager

Mr. Brizendine provided a brief overview of the financial status report, noting that the District has received approximately 86% of the assessments placed on the tax roll and is continuing to operate under budget. He reviewed the various fund balances.

A brief discussion ensued regarding the timing for transferring funds into the various reserve accounts and Mr. Brizendine stated that they generally wait until the District has received 90% of its funds to make those transfers.

EIGHTH ORDER OF BUSINESS

Audience Comments and Supervisor Requests

There were no audience members in attendance.

A brief discussion was held regarding the fact that it is no longer necessary to sound proof the meeting room and the fact that Cornerstone has assigned a new project manager to the District.

NINTH ORDER OF BUSINESS

Adjournment

On a Motion by Ms. Williams, seconded by Ms. Battistoni, with all in favor, the Board of Supervisors adjourned the meeting at 8:20 p.m. for Ballantrae Community Development District.


Assistant Secretary


Chairman/Vice Chairman